

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

GERALD MANOWITZ, as trustee of the Annette
Clair Manowitz revocable trust, on behalf of itself
and all others similarly situated,

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER: 07-cv-3884

OPTIONABLE INC., KEVIN CASSIDY, EDWARD
J. O'CONNER, and MARK NORDLICHT

TO: (Name and address of defendant)

KEVIN CASSIDY
OPTIONABLE INC.
465 Columbus Avenue,
Valhalla, NY 10595

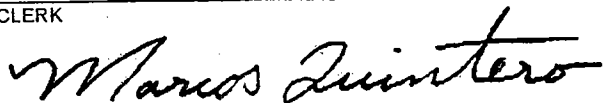
YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

JEFFREY P. CAMPISI, ESQ.
Kaplan Fox & Kilsheimer, LLP
805 Third Avenue, Suite 22
New York, NY 10022
(212) 687-1980

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for
the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period
of time after service.

J. MICHAEL McMAHON

CLERK



(BY) DEPUTY CLERK

MAY 17 2007

DATE

AO 440 (Rev. 10/93) Summons In a Civil Action -SDNY WEB 4/99

| RETURN OF SERVICE | | |
|---|----------|-------|
| Service of the Summons and Complaint was made by me ¹ | DATE | |
| NAME OF SERVER (PRINT) | TITLE | |
| <i>Check one box below to indicate appropriate method of service</i> | | |
| <input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____ | | |
| <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____ _____ | | |
| <input type="checkbox"/> Returned unexecuted: _____ _____ _____ | | |
| <input type="checkbox"/> Other (specify): _____ _____ _____ | | |
| STATEMENT OF SERVICE FEES | | |
| TRAVEL | SERVICES | TOTAL |
| DECLARATION OF SERVER | | |
| <p style="text-align: center;">I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Executed on _____</p> <p style="text-align: center;">Date</p> </div> <div style="width: 45%;"> <p>_____ Signature of Server</p> <p>_____ Address of Server</p> </div> </div> | | |

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Gerald Manowitz, as trustee of Annette Clair Manowitz revocable
trust, et. al., Plaintiff(s)

vs.

Optionable, Inc., et. al., Defendant(s)



AFFIDAVIT OF DUE AND DILIGENT ATTEMPT

KAPLAN, FOX & KILSHEIMER
Mr. Wilfred Gomes
805 Third Avenue, 22nd Floor
New York, NY 10022

Customer File: _____

Service of Process on:

-Kevin Cassidy
Court Case No. 07-cv-3884State of: NEW YORK) ss.County of: WESTCHESTERName of Server: JOHN F. RALD, undersigned, being duly sworn, deposes and says
that at all times mentioned herein, s/he was of legal age and was not a party to this action;Documents Served: the undersigned attempted to serve the documents described as:
Summons in a Civil Case w/ Notice of Assignment; Preliminary Order
in Case Designated to WP4 Calendar; Standing Order;
Class Action Complaint w/ Trial by Jury DemandedService of Process on: The undersigned attempted to serve the documents on
Kevin Cassidy

and after due and diligent efforts, was unable to effect service.

Attempts: The following is a list of the attempts made to effect service:

Dates/Time/Address Attempted: 465 Columbus Avenue, Valhalla, NY 10595 6.6.07 @ 12:19 pm.Reason for Non-Service: SPOKE w/ EDWARD O'CONNOR WHO SAID KEVIN WAS THE FORMER CEO &
VICE CHAIRMAN BUT IS NO LONGER w/ COMPANY.

Dates/Time/Address Attempted: _____

Reason for Non-Service: _____

Dates/Time/Address Attempted: _____

Reason for Non-Service: _____

☐ Based upon the above stated facts, Affiant believes the defendant is avoiding service.

Signature of Server:

Undersigned declares under penalty of perjury
that the foregoing is true and correct.

Subscribed and sworn to before me this

6th day of June, 2007

Signature of Server

APS International, Ltd.

Notary Public

(Commission Expires)

GERRI L. ALBERT
Notary Public, State of New York
No. 01AL5067800
Qualified in Westchester County
Commission Expires July 31, 2009

STATE PROCESS SERVING COMPANY P.O. Box 625 • Yorktown Heights, New York 10598 • 914-243-5817

GERALD MANOWITZ, ET AL.

- against -

OPTIONABLE INC., ET AL.

Plaintiff(s)

Defendant(s)

Attorney:
Index No. 07-CV-3884
AFFIDAVIT OF SERVICE
OF:
SUMMONS AND COMPLAINT IN A
CIVIL ACTION

STATE OF NEW YORK: COUNTY OF WESTCHESTER ss:
JOHN F. BALD
BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY
TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on 06/25/07 at 1249 Hours at 463 CHAPPAQUA ROAD BRIARCLIFF MANOR, NY 10510
deponent served the within SUMMONS AND COMPLAINT IN A CIVIL ACTION on
KEVIN CASSIDY therein named,

INDIVIDUAL by delivering a true copy of each to said personally; deponent knew the person so served to be the person described as said person therein. ☐ (S) He identified (her) himself as such.
A ☐
CORPORATION a (domestic) (foreign) corporation by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in legal papers and knew said individual to be thereof
B ☐
SUITABLE AGE PERSON by delivering thereat a true copy of each to JANE CASSIDY
C ☒ a person of suitable age and discretion. Said premises is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state. ☒ (S) He identified (her) himself as CO-TENANT of recipient
AFFIXING TO DOOR, ETC. by affixing a true copy of each to the door of said premises, which is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there on the dates below:
D ☐

MAILING USE WITH C or D Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to the above recipient at 463 CHAPPAQUA ROAD BRIARCLIFF MANOR, NY 10510 and deposited said wrapper in (a post office) official depository under exclusive care and custody of the United States Postal Service within New York State. Mailed on 06/25/07 BY FIRST CLASS MAIL
Deponent further states that he describes the person actually served as follows
Sex Skin Color Hair Color Age (Approx.) Height (Approx.) Weight (Approx.)
FEMALE WHITE BLONDE 40 5'8 150


MILITARY SERVICE Person spoken to was asked whether the recipient(s) was (were) in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the recipient(s) is (are) not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.
That at the time of such service deponent knew the person (s) so served as aforesaid to be the same person (s) mentioned and described as the defendant(s) in this action.

* MAILED TO THE ABOVE ADDRESS IN AN ENVELOPE MARKED
PERSONAL & CONFIDENTIAL

USE IN NYC CIVIL CT. The language required by NYCRR 2900.2(e), (f) & (h) was set forth on the face of said summons (es).
☐

Sworn to before
me on the
06/25/07

GERI L. ALBERT
Notary Public, State of New York
No. 01AL5047399
Qualified in Westchester County
Commission Expires July 31,


JOHN F. BALD
LICENSE No.